IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.14051 of 2004

Between:

Ismail Khan, s/o Nawab Khan,
R/o 19-62-55, Islampet Drain Street,

Vijayawada, Krishna District. ..... PETITIONER

AND

1 A.P.State Wakf Board, Hyderabad through its Chief Executive Officer, Haj Complex, Public Garden Road, Hyderabad.
2 Prakash Arts and Door Advertising, MCH No.3-6-473/1, Street No.5, Himayathnagar, Hyderabad, rep., by its Manager.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or any appropriate writ or direction especially a writ of Mandamus declaring the action of the respondent No.1 issuing the impugned No Objection Certificate order No.31/N1/KST/2004, dated 1-7-2004 in respect of the Wakf property i.e., Dargah Hazrath Syed Ali Hussain Syed Ali Hussain Quadri, situated at opposite to the Prakasham barriage, Vijayawada, Krishna district granting permission to erect of the hoarding unipole advertisement to the respondent No.2 is illegal, arbitrary, high-handed and against the School of Muslim Law, Wakf Act 1995 and under Article 226 of the Constitution of India.

Counsel for the Petitioner : Mr.M.T.GHORI

Counsel for Respondent No.1: Mr.A.M.QURESHI, S.C. for Wakf Board.

Counsel for Respondent No.2 : None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioner filed this petition on mere apprehension that permission has been granted by respondent No.1 for erecting hoardings in the wakf property and in case hoardings are installed displaying obscene advertisements, it will adversely affect the religious feelings of Muslim community and the same is also in violation of the provisions of the Wakf Act.

Mirza Hassan Ali Baig, Chief Executive Officer has filed affidavit in reply on behalf of respondent No.1-Wakf Board opposing the writ petition. It is stated that on receipt of proposals for erection of unipole from the Branch Manager, Prakash Arts, Wakf Board, with an intention to raise its income, decided to accord permission for erection of hoarding by following due process of law. It is also stated that erection of hoarding will not obstruct the religious feelings. No hoarding, so far, has been erected though permission has been accorded for installation of unipole and respondent Board has directed the concerned Inspector of Wakfs to keep a strict watch and see that no hoarding showing obscene figures is displayed contrary to the rules.

Perusing the affidavit in reply, we see no reason at this stage to issue any direction to respondent Board. Petitioner has filed this petition only on mere apprehension and we proceed to dismiss the writ petition with liberty given to the petitioner to challenge the action of the respondent Board in case any hoarding is erected in violation of the provisions of the Wakf Act. No costs.

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DEVINDER GUPTA, C.J.

13th September 2004.

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C.V.RAMULU, J.

To

1. The Chief Executive Officer, A.P.State Wakf Board, Hyderabad.
   Haj Complex, Public Garden Road, Hyderabad.
2. Two CD copies.